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4831-1844-6669.1

DEFENDANT SANG LEE'S OPPOSITION AND OBJECTION TO PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE

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4831-1844-6669.1

DEFENDANT SANG LEE'S OPPOSITION AND OBJECTION TO PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CORY SPENCER, an individual;  
 DIANA MILENA REED, an  
 individual; and COASTAL  
 PROTECTION RANGERS, INC., a  
 California non-profit public benefit  
 corporation,

Plaintiffs,

vs.

LUNADA BAY BOYS; THE  
 INDIVIDUAL MEMBERS OF THE  
 LUNADA BAY BOYS, including but  
 not limited to SANG LEE, BRANT  
 BLAKEMAN, ALAN JOHNSTON  
 AKA JALIAN JOHNSTON,  
 MICHAEL RAE PAPAYANS,  
 ANGELO FERRARA, FRANK  
 FERRARA, CHARLIE FERRARA;  
 and \_\_\_N.F.\_\_\_; CITY OF PALOS  
 VERDES ESTATES; CHIEF OF  
 POLICE JEFF KEPLEY, in his  
 representative capacity; and DOES  
 1-10,

Defendants.

CASE NO. 2:16-cv-02129-SJO (RAOx)

Assigned District Judge Hon. S. James Otero, Courtroom 10C

Discovery Assigned to Magistrate Judge Hon. Rozella A. Oliver

**DEFENDANT SANG LEE'S  
OPPOSITION AND OBJECTION  
TO PLAINTIFFS' REQUEST FOR  
JUDICIAL NOTICE**

*[Filed concurrently with Reply;  
Response to Additional Material Facts;  
Evidentiary Objections]*

Date: September 5, 2017  
Time: 10:00 a.m.  
Crtrm.: 10C

Complaint filed: March 29, 2016  
Trial Date: November 7, 2017

1 Defendant Sang Lee (“Defendant Lee”) opposes and objects to  
 2 Plaintiffs’ Request for Judicial Notice in Opposition to Individual Defendants’  
 3 Motions For Summary Judgment or, in the alternative, Summary Adjudication.  
 4 Defendant Lee requests the right “to be heard on the propriety of taking judicial  
 5 notice and the nature of the fact[s] to be noticed.” Fed. R. Evid. 201 (e); *1-800-411-*  
 6 *Pain Referral Service, LLC v. Otto*, 744 F.3d 1045, 1063 fn.13 (8<sup>th</sup> Cir. 2014). If the  
 7 Court declines to conduct a formal hearing, Defendant Lee respectfully requests that  
 8 the Court look to Plaintiffs’ Request for Judicial Notice and this opposition and  
 9 objection in making its determination regarding judicial notice. *See Center for*  
 10 *Biological Diversity, Inc. v. BP America Production Co.*, 704 F.3d 413, 423 (5<sup>th</sup> Cir.  
 11 2013)- Fed. R. Evid. 201(b) does not require a formal hearing under all  
 12 circumstances.

13 Plaintiffs’ Exhibits A, B, and C are newspaper articles, which generally  
 14 cannot be judicially noticed as sources to establish facts as indisputable. *See Cofield*  
 15 *v. Alabama Pub. Serv. Comm’n*, 936 F.2d 512, 517 (11<sup>th</sup> Cir. 1991). Plaintiffs  
 16 attempt to establish additional material facts by reference to these exhibits. *See* Dkt.  
 17 No. 301, ¶¶ 152-153. Courts may take judicial notice of newspaper articles for  
 18 certain limited purposes other than for the truth contained in those articles. *See, e.g.*,  
 19 *Voh Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954, 960 (9<sup>th</sup> Cir.  
 20 2010)- judicial notice taken to indicate whether contents of the articles were in fact  
 21 true; *United States ex rel. Osheroff v. Humana Inc.*, 776 F.3d 805, 811 fn.4 (11<sup>th</sup> Cir.  
 22 2015)- judicial notice taken of statements contained in documents, but not for  
 23 deciding truth of those statements.

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